

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEVON A. BLANCHARD,

Plaintiff,

vs.

JOHN WHISTLE, et al.,

Defendants.

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Case No. CIV-09-1229-M

ORDER


On December 8, 2009, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action. Based upon petitioner's failure to submit his institutional accounts statement for the six month period immediately preceding the filing of this action, Petitioner was ordered to cure this deficiency by the 30th of November, 2009. The Magistrate Judge recommended dismissal of this action without prejudice due to plaintiff's failure to cure this designated deficiency. *See Nasious v. Two Unknown B.I.C.E. Agents at Arapahoe County Justice Center*, 492 F.3d 1158, 1161 n. 2, 1162 (10th Cir. 2007) (sua sponte dismissal for failure to comply with Court's order permitted under federal rule, and court need not follow any particular procedures in dismissing action without prejudice for failure to comply). Petitioner was advised of his right to object to the Report and Recommendation by December 28, 2009. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on December 8, 2009; and

(2) DISMISSES this action without prejudice to the filing of a new action.

IT IS SO ORDERED this 7th day of January, 2010.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE